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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,016	03/19/2001	Thomas F. La Porta	LUC-305/LaPorta 50-8-56-4	3893
32205	7590	09/15/2005	EXAMINER PIZARRO, RICARDO M	
PATTI & BRILL ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			ART UNIT 2662	PAPER NUMBER

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/813,016

Applicant(s)

LA PORTA ET AL.

Examiner

Ricardo Pizarro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7-18 and 20-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,4 and 7-18 is/are allowed.
- 6) ☒ Claim(s) 20-37 is/are rejected.
- 7) ☒ Claim(s) 38-40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**FINAL ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 20-21, 25- 27 and 29, 31 and, 33 are rejected under 35

U.S.C. 102(e) as being anticipated by US patent No. 6,615,037 ( Bharatia).

Regarding claim 20 , Bharatia discloses a system comprising: a database located within device 14 in Fig.1 comprising data for a plurality of devices complying with at least ANSI-41 and GSM, col 6 lines 6-7 (a database comprising data for a plurality of communication devices.

At least one protocol gateway 14 coupled to the database, said gateway including ANSI-41 and GSM protocols, col 5 lines 21-24 using one control procedure ( one or more protocol gateway, coupled to the database, arranged and constructed to interpret network requests from the at least two network protocols and generate one or more queries to the database).

Regarding claim 21, Bharatia discloses one protocol gateway 14 arranged to receive request for HLR data page 5 lines 18-22 ( wherein each of the one or more

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protocol gateways are arranged and constructed to receive and process network requests for home location register data).

Regarding claim 25, Bharatia discloses one of the protocols is ANSI-41, col 4 line 39 (wherein the one or more network protocols comprise at least one of ANSI-41, GSM MAP, SIP, H.323, AAA, and M-IP).

Regarding claims 26, Bharatia discloses that the request is a voice request , col 3 line 32 (wherein the network requests relate to at least one of voice, data and multimedia communications).

Regarding claim 29, Bharatia discloses that the data comprises location information ( col 6 line 6).

Regarding claim 31, Bharatia discloses that the device provides interworking functions , IWU 14 in Fig. 1, col 4 line 39 ( the database is arranged and constructed to provide an interworking function between the one or more protocol gateways).

Regarding claim 33 database comprises procedures and commands common to several protocol such as ANSI-41 and GMS protocols,( col 6 lines 7).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,615,057 ( Bharatia).

Regarding claim 34 , Bharatia discloses a method comprising the steps of: receiving at a request from ANSI-41 network at Protocol gateway 14 ( receiving a message from a first network at a Protocol gateway) ; using the common database within the Gateway 14 processes request using both functionality ANSI 41 and functionality GSM, col 4 lines 59-61 ( processing the message using a common procedures for the first and second protocols and a database).

If Protocol gateway 14 finds user in it its database relays a message to VLR 20 col 6 lines 5-7 as shown in embodiment of Fig. 1 ( generating at least one database query based on the processed message); VLR 20 then returns a roaming number to device 14 that is changed to the format of a Temporary Location Directory Number (TLDN) format, used by the ANSI-41 network 12 , col 6 lines 13-15 ( relaying the at least one database query to a database comprising data common to a first network and a second network associated with a protocol gateway).

Bharatia does not specifically disclose a first protocol gateway and a second protocol gateway, as in claim 34

However it is noted that Bharatia disclosed said Gateway 14 being a Dual protocol Gateway with the functionality of both ANSI-41 protocol and GSM protocols with the purpose of performing the duties of two gateways protocols, ( page 4 lines 39-41.

Therefore it would have been obvious to one of ordinary skill in the art that said gateway would have been capable of independently performing as a gateway for both protocols, ANSI and GSM.

The motivation to do so is motivation of obtaining a cellular system for completing call forwarding when a dial mode ANSI-41 subscriber has roamed to a GSM network and a call to that mobile subscriber is not terminated.

Regarding claims 35 and 36, Bharatia discloses generating a request to a protocol gateway, col 6 lines 55-57 ( receiving a response to the at least one database query and generating a request to a protocol gateway).

Regarding claim 37, information includes location of a device, col 4 lines 16-17 ( wherein the response identifies a location for a communication device).

3. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,615,057 ( Bharatia) in view of US No. 5,475,689 ( Kay).

Bharatia does not specifically disclose each protocol gateway is associated with a different network protocol, as in claims 22 and 23.

Kay discloses a cellular telephone system comprising multiple protocol gateways each with associated with a different protocol , page 12 lines 1-3 , as in claims 22; each protocol gateway terminates a protocol associated with the protocol gateway each gateway interprets request according to its associated protocol, as in claim 24

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the Bharatia reference by providing different

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protocols to each protocol gateway as disclosed by Kay in order to have the network the capability of processing a plurality of network protocols.

The motivation to do so is of providing roaming capabilities to the user when going from a first type network to second type network operating under different protocols..

4. Claims 28, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,615,057 ( Bharatia) in view of US No 5,742,905 (Pepe).

Bharatia did not specifically disclose the data comprising authentication information, as in claim 28; an application server, operably coupled to the database , as in claim 30; database comprises a database manager and a data storage component, as in claim 32;

Regarding claim 28, Pepe discloses data comprising authentication information ( col 7 lines 8-9).

Regarding claim 30, Pepe discloses an application server, operably coupled to the database and arranged and constructed to interpret an application request from an application server and generate one or more queries to the database ( col 9 lines 30-32).

Regarding claim 32, database comprises a database manager and a data storage component (AS 114 acts as a Manager col 9 lines 30-32).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system disclosed by Bharatia by providing the

management means as disclosed by Pepe in order to obtain a network capable of communicating with wireless and wireline networks,

The motivation to do so is of providing a user of a mobile network the ability to control and integrate a plurality of messaging options.

***Allowable Subject Matter***

5. Claims 1,3,4,7 8-18 are allowed

6. Claims 38-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

***Conclusion***

7. Applicant failed to present argument regarding rejected independent claims 20 and 34. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within



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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(571) 273-8300

.(for formal communications; please mark "EXPEDITED PROCEDURE", for informal or draft communications, please label "PROPOSED" or "DRAFT" )

**Hand-delivered responses should be brought to 22- 20<sup>th</sup> Street S,  
Crystal Plaza Two, Lobby, Room 1B03, Arlington , VA 22202 ( Customer window).**

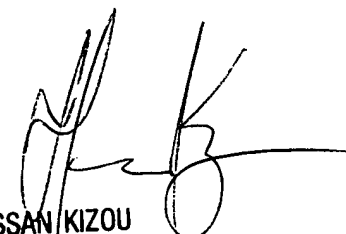
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is **(571) 272-3077**. The examiner can normally be reached on Monday-Thursday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Hassan Kizou** can be reached on (571) 272-3088.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 8, 2005  
Ricardo Pizarro



HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600